

GEORGIA BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES

NOTICE OF INTENT TO ADOPT PROPOSED AMENDMENTS TO THE GEORGIA
BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES RULE
400-2-.05 EXAMINATION AND RE-EXAMINATION. AMENDED.

AND

NOTICE OF PUBLIC HEARINGS

TO ALL INTERESTED PERSONS AND PARTIES

Notice is hereby given that pursuant to the authority set forth below, the Georgia Board of Examiners of Licensed Practical Nurses (hereinafter "Board") proposes amendments to Georgia Board of Examiners of Licensed Practical Nurses Rules Chapter 400-2-.05 Examination and Re-Examination. Amended.

The proposed rule amendments include the addition of a minimum waiting period required before re-taking the exam.

This notice, together with an exact copy of the proposed rule amendments and a synopsis of the proposed rule amendments, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia Board of Examiners of Licensed Practical Nurses web page at <http://www.sos.state.ga.us/plb/lpn>. Copies may also be requested by contacting the Georgia Board of Examiners of Licensed Practical Nurses office at 478-207-2440.

A public hearing is scheduled to begin at 9:15 am July 16, 2008 at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendments. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. Written comments are welcomed. To ensure their consideration, written comments must be received on or before July 9, 2007. Written comments should be addressed to Don Munday, Acting Division Director, Professional Licensing Boards Division, Georgia Board of Examiners of Licensed Practical Nurses, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-207-1633.

The proposed rule amendments will be considered for adoption by the Board at its meeting scheduled to begin at 9:20 am on July 16, 2008 at the Professional Licensing Boards Division of the Secretary of State's Office, 237 Coliseum Drive, Macon, Georgia 31217. The rule amendments are proposed for adoption pursuant to authority contained in The Georgia Board of Examiners Licensed Practical Nurses Act O.C.G.A. §§ 43-26-35(2)(4)(9)(19), 43-26-37 and 43-26-38.

At its meeting on May 7, 2008 the Board voted that the formulation and adoption of these rules do not impose regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-26-35(2)(4)(9)(19), 43-26-37 and 43-26-38.

At its meeting on May 7, 2008 the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-26-35(2)(4)(9)(19), 43-26-37 and 43-26-38 to adopt or implement differing actions for businesses as listed at O.C.G.A. §§ 50-13-4(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of nursing.

For further information, contact the Board office at 478-207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This 16th day of June, 2008.

Randall D. Vaughn
Division Director
Professional Licensing Boards

Posted: June 16, 2008

SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA BOARD OF EXAMINERS OF LICENSED PRACTICAL NURSES RULES

Rule 400-2-.05 Examination and Re-Examination. Amended

Rule 400-2-.05 is proposed to be amended by listing the minimum waiting period required before sitting for a subsequent exam after failing the exam initially.

Purpose: Include wording regarding the forty-five (45) day minimum waiting period.

Main Features: Clarification of the minimum number of days an applicant must wait before being authorized to sit for the NCLEX-PN exam on a subsequent date following failure to pass the initial exam testing date.

DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED CHANGES TO THE GEORGIA BOARD OF EXAMINERS OF
LICENSED PRATICAL NURSES RULE 400-2-.05

[NOTE: Underlined text is proposed to be added; lined through text is proposed to be deleted]

400-2-.05 Examination and Re-Examination. Amended.

- (1) The board approved as the official licensing exam the NCLEX-PN examination.
- (2) The Board shall comply with published procedures which protect examination security. Prior to the examination date, each accepted applicant will be sent an admission notice which shall be presented by the applicant for admission to the examination center.
- (3) The passing score for the Georgia licensure examination shall be determined by the Board.
- (4) An individual who has failed the licensure examination may retake the examination: after a minimum waiting period of forty-five (45) days:
~~(a) by submitting a written request to the Board and paying the required fee, provided the request for re-examination is within one year of the original application for examination.~~
(a) the Board administrative staff will mail candidates a re-examination application and instructions upon notification by the exam administrator of a failing score. There is a fee required with the re-exam application. If candidates do not receive a re-examination packet from the Board, a request may be made in writing for a re-examination packet to be mailed to a candidate provided the request for re-examination is within one year of the original application for examination.
~~(b) If the request is not within one year of the original filing date, a new application must be submitted to the board with the required fee.~~
- (5) An applicant for examination from an NCLEX jurisdiction who has not passed the examination within 5 years following completion of an approved program will not be eligible to take the examination until the applicant presents proof of successful completion of a board approved nursing program.
- (6) An applicant for examination from a Non-NCLEX jurisdiction who has not passed the examination within five years from the date of eligibility, will not be eligible to take the examination until the applicant presents proof of successful completion of a board approved nursing program.

Authority: O.C.G.A. §§ 43-26-35(2)(4)(9)(19), 43-26-37 and 43-26-38